

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**



**ELECTRONIC FILING
POLICIES AND PROCEDURES MANUAL**

April 2, 2001

Introduction

The U.S. District Court for the Northern District of Ohio permits attorneys in selected civil cases to file documents with the Court from their own offices over the Internet. The Court strongly encourages parties and their counsel to participate in electronic filing. While parties and pro se litigants may register to receive “read only” electronic filing accounts so that they may access documents in the system and receive electronic notice, only registered attorneys, as Officers of the Court, will be permitted to file electronically at this time.

1. Authorization for Electronic Filing

General Order 97-38 and LR 5.1(b) authorize electronic filing in conjunction with Federal Rule of Civil Procedure 5(e). Pursuant to General Order 97-38, the following policies and procedures govern electronic filing in this district unless, due to extraordinary circumstances in a particular case, a judicial officer determines that these policies and procedures should be modified in the interest of justice.

2. Definitions and Instructions

The following definitions and instructions shall apply to these Policies and Procedures for Electronic Filing:

- 2.1 The term “document” shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the Court.
- 2.2 The term “party” shall include counsel of record and a pro se litigant.
- 2.3 All hours stated shall be Ohio time.

3. Application of Rules and Orders

Unless modified by approved stipulation or order of the Court or a judicial officer, all Federal Rules of Civil Procedure, Local Rules, and orders of the Court shall continue to apply to cases selected for electronic filing.

4. Selection of Cases

Electronic filing will be permitted in cases approved by the Court. The parties are encouraged to express their interest in participating in the electronic filing process as early as possible. The parties may so advise the judicial officer on the Case Information Statement (CIS), in the Report of Parties' Planning Meeting, or by motion at any other time. While the determination to permit electronic filing in a particular case may be made in most instances no later than the Case Management Conference (CMC), the parties may express their interest as early as the filing of the action by joint notification to the judicial officer. The judicial officer or any party may recommend electronic filing at any time. *See* LR 3.13(b), 16.3(b)(2)(B) and 16.3(b)(3), and Fed. R. Civ. P. 26(f).

5. Criteria for Selection

Electronic filing may be beneficial for a wide variety of cases. Cases best suited for electronic filing may include those in which:

- a) Parties filing or requiring service are reasonably identifiable;
- b) Parties filing or requiring service have or can acquire access to a computer, the world wide web and, where necessary, a scanner; and
- c) The number and/or size of documents that are likely to be scanned before they are electronically filed is not unreasonable. While scanned documents can be electronically filed, numerous or voluminous documents that need to be imaged may be cumbersome to create, transmit or retrieve. Computerized textual documents, however, may be nearly unlimited in size, subject to Local Rules or Orders regarding page limitations.

6. System Requirements

While the system requirements may be set forth more completely in a User's Manual or other Court publication, it is expected that the following hardware and software will be needed to electronically file, view and retrieve documents in the electronic filing system:

- a computer running Windows, Windows 95 or a Macintosh operating system
- Adobe Acrobat 3.0 to convert documents from a word processor format to portable document format (PDF)
- a PDF-compatible word processor like Macintosh or Windows-based versions of WordPerfect and Word
- a modem supporting a transfer rate of 28.8 kbs or higher
- Netscape browser version 3.0 or higher (128 bit encryption is strongly recommended)
- Internet access
- Access to a scanner if non-computerized documents need to be imaged

7. Filing of Initial Complaint / Payment of Filing Fee / Service of Summons

Complaints shall be filed, fees paid, and summons issued and served in the traditional manner on paper rather than electronically. Parties who participate in electronic filing may be required to provide electronic copies of such documents for later entry into the electronic system.

8. General Format of Documents to be Filed Electronically

Electronically filed documents must meet the requirements of Fed. R. Civ. P. 10 (Form of Pleadings), LR 10.1 (General Format of Papers Presented for Filing), and LR 10.2 (Designation of District Judge and/or Magistrate Judge) as if they had been submitted on paper. Documents filed electronically are also subject to any page limitations set forth by Court order or by LR 7.1(g) (Length of Memoranda).

9. Filing Documents Electronically

Electronic transmission of a document consistent with the procedures adopted by the Court shall, upon the complete receipt of the same by the clerk of court, constitute filing of the document for all purposes of the Federal Rules of Civil Procedure and the Local Rules of this Court, and shall constitute entry of that document onto the docket maintained by the Clerk pursuant to Fed. R. Civ. P. 58 and 79.

A receipt acknowledging that the document has been filed will immediately appear on the filer's screen. Parties can also verify the filing of documents by inspecting the Court's electronic docket sheet. The Court may, upon the motion of a party or upon its own motion, strike any inappropriately filed document.

Documents filed electronically must be submitted in the Adobe Acrobat PDF format.

Filing documents electronically does not alter any filing deadlines. All electronic transmissions of documents must be completed (*i.e.*, received completely by the Clerk's Office) prior to midnight in order to be considered timely filed that day. Although parties can file documents electronically 24 hours a day, attorneys and parties are strongly encouraged to file all documents during normal working hours of the Clerk's Office (8:00 a.m. to 4:45 p.m.) when assistance is available.

10. Civil Docket

Upon the filing of a document, a docket entry will be created using the information provided by the filing party. The clerk of court will, where necessary and appropriate, modify the docket entry description to comply with quality control standards.

11. System Availability

The Court's system is designed to provide service 24 hours a day. The parties, however, are encouraged to file documents in advance of filing deadlines and during normal business hours.

The Clerk's Office has established a Help Desk (1-800-355-8498) to respond to questions regarding the electronic filing system and the registration process and to receive voice mail messages. The Help Desk will be staffed business days from 8:00 a.m. to 4:45 p.m., and will be available at all other times to record voice mail messages.

If a party is unable to file electronically and, as a result, may miss a filing deadline, the party must contact the Help Desk to inform the clerk of court of the difficulty. If a party misses a filing deadline due to an inability to file electronically, the party may submit the untimely filed document, accompanied by a declaration stating the reason(s) for missing the deadline. The document and declaration must be filed no later than 12:00 noon of the first day on which the Court is open for business following the original filing deadline. A model form is provided in Appendix A.

12. Registration

A party seeking to file documents electronically must submit a completed Electronic Filing System Registration form (Appendix B) prior to being assigned a user identification name and password that will serve as that party's signature for Fed. R. Civ. P. 11 purposes. Additionally, attorneys seeking to file electronically must be admitted to practice in the U.S. District Court for the Northern District of Ohio. The completed Registration Form must be signed by the registrant and addressed to:

Ms. Geri M. Smith
Clerk, United States District Court
Attention: Electronic Filing System Registration
102 U.S. Courthouse
201 Superior Avenue, N.E.
Cleveland, OH 44114-1201

Once registration is completed, the party will receive notification by U.S. mail as to his/her user identification name and password.

Parties agree to protect the security of their passwords and immediately notify the clerk of court if they learn that their password has been compromised. Parties may be subject to sanctions for failure to comply with this provision.

13. Service of Electronically Filed Documents

By participating in the electronic filing process, the parties consent to the electronic service of all documents, and shall make available electronic mail addresses for service. (See instructions in Appendix D.) Upon the filing of a document by a party, an e-mail message will be automatically generated by the electronic filing system and sent via electronic mail to the e-mail addresses of all parties in the case. In addition to receiving e-mail notifications of filing activity, the parties are strongly encouraged to sign on to the electronic filing system at regular intervals to check the docket in their case.

A certificate of service must be included with all documents filed electronically. Such certificate shall indicate that service was accomplished pursuant to the Court's electronic filing procedures. The party effectuates service on all parties by filing electronically. Service by electronic mail does not constitute service by mail pursuant to Fed. R. Civ. P. 6(e).

The following is a suggested certificate of service for electronic filing:

Certificate of Service

I hereby certify that on [date], a copy of foregoing [name of document] was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ [Name of Password Registrant]
Name of Password Registrant
Address
City, State, Zip Code
(xxx) xxx-xxxx [telephone number]
[attorney bar number, if applicable]

14. Electronic Filings

A key objective of the electronic filing system is to ensure that as much of the case as possible is filed electronically. To facilitate electronic filing and retrieval, documents to be filed electronically are to be reasonably broken into their separate component parts. By way of example, most filings include a foundation document (e.g., motion) and other supporting items (e.g., memorandum and exhibits). The foundation document as well as the supporting items will each be deemed a separate component of the filing, and each component shall be uploaded separately in the filing process. Any component having an electronic file size that exceeds 1.5 megabytes shall not be filed electronically. Where an individual component is not included in the electronic filing, the filer shall electronically file the prescribed Notice of Manual Filing in place of that component. A model form is provided as Appendix C.

The following example illustrates the application of this section.

A party seeks to file a motion, a supporting memoranda, and four exhibits (A, B, C and D). The motion is a text document that after conversion to Adobe PDF has a size of 5kb. The supporting memoranda is a text document that after conversion to PDF has a size of 45kb. Attachment A is a scanned image of a one page document that after conversion to PDF has a size of 200kb. Attachment B is a scanned image of a 20 page document that after conversion to PDF has a size of 2mb. Attachment C is a scanned image of a 10 page document that after conversion to PDF has a size of 1.2mb. Attachment D represents an object that cannot be converted to digital format.

Each document should be kept as separate component (PDF file) rather than being merged together as one file in order to facilitate easy retrieval of any individual component. Each of the components, except for Attachments B and D, should be filed electronically in one submission by filing the motion and attaching the memoranda and exhibits through the electronic filing system. Attachment B, at 2mb, exceeds the 1.5mb file size standard for conveniently creating, filing and retrieving documents. Attachment D cannot be scanned. In the electronic submission, Attachments B and D should each be replaced by a Notice of Manual Filing form. Attachment B should

then be manually filed with the Court on paper, along with a copy of the attachment on disk, and served upon the parties in the traditional, non-electronic manner. Attachment D should be treated as it would if a traditional filing system were being used.

15. Manual Filings

Parties otherwise participating in the electronic filing system may be excused from filing a particular component electronically under certain limited circumstances, such as when the component cannot be reduced to an electronic format or exceeds the file size limit described in Section 14. Such component shall not be filed electronically, but instead shall be manually filed with the clerk of court and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure and the Local Rules for filing and service of non-electronic documents. Parties making a manual filing of a component shall file electronically a Notice of Manual Filing setting forth the reason(s) why the component cannot be filed electronically. A party may seek to have a component excluded from electronic filing pursuant to Fed. R. Civ. P. 26(c). A model form is provided as Appendix C.

16. Retention of Originals of Documents Requiring Scanning

Originals of documents requiring scanning to be filed electronically must be retained by the filing party and made available, upon request, to the Court and other parties for a period of one year following the expiration of all time periods for appeals.

17. Signature Block

The party identification name and password shall constitute the party's signature for Fed. R. Civ. P. 11 purposes pursuant to General Order 97-38. All documents filed electronically shall include a signature block in compliance with LR 10.1 and include the typewritten name, address, telephone number and the attorney's Ohio Bar Registration Number, if applicable.

In addition, the name of the password registrant under whose password the document is submitted should be preceded by a "s/" and typed in the space where the signature would otherwise appear.

s/ [Name of Password Registrant]
Name of Password Registrant
Address
City, State, Zip Code
(xxx) xxx-xxxx [telephone number]
[attorney bar number, if applicable]

Documents requiring signatures of more than one party shall be filed either by submitting a scanned document containing all necessary signatures; by representing the consent of the other parties on the document; or by filing the document identifying the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing.

18. Sealed Documents

The filing of documents under seal is governed by LR 5.2, which permits such filings only with prior leave of the judicial officer. Sealed documents will not be filed electronically, but rather manually. The party filing a sealed document shall file electronically a Notice of Manual Filing.

19. Trial Exhibits

Exhibits “lodged” with the clerk of court pursuant to LR 39.1 will not be filed electronically. Such documents will not be placed into the electronic filing system unless and until they are admitted as part of the official public record. The party submitting the “lodged” exhibits may be required to resubmit the documents in electronic format once they are admitted into the public record.

20. Filing of Discovery Materials

The filing of discovery depositions, interrogatories, requests for production of documents, requests for admissions, and answers and responses thereto shall be governed by the Case Management Plan defined in Local Rule 16.1(b)(4), and the determination of whether such materials shall be filed electronically or manually will be made by the judicial officer after consulting with the parties.

21. Additional Information

Additional information regarding electronic filing can be obtained by calling the help desk at 1-800-355-8498 or by writing to:

Ms. Geri M. Smith
Clerk, United States District Court
Attention: Electronic Filing System Registration
102 U.S. Courthouse
201 Superior Avenue, N.E.
Cleveland, OH 44114-1201

Appendix A

)	
)	
Plaintiff)	Case No.
)	
v.)	Judge
)	
Defendant)	Declaration that Party was Unable to
)	File in a Timely Manner
)	Due to Technical Difficulties
)	

Please take notice that [Plaintiff/Defendant, Name of Party] was unable to file the attached [Title of Document] in a timely manner due to technical difficulties. The deadline for filing the [Title of Document] was [Filing Deadline Date]. The reason(s) that I was unable to file the [Title of Document] in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform (including dates and times)]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

s/ [Name of Password Registrant]

Name of Password Registrant

Address

City, State, Zip Code

(xxx) xxx-xxxx [telephone number]

[attorney bar number, if applicable]

Appendix B

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO ELECTRONIC FILING ATTORNEY REGISTRATION FORM

This form is used to register for an account on the Northern District of Ohio Electronic Filing System (the system). Registered attorneys will have privileges to electronically submit documents and to view the electronic docket sheets and documents. The following information is required for registration:

First Name: _____

Middle Name: _____

Last Name: _____

Bar ID Number: _____ State: _____

Firm Name: _____

Address : _____

: _____

: _____

Voice Phone Number: _____

Fax Phone Number: _____

Internet Mail Address: _____

Attorneys seeking to file documents electronically must be admitted to practice in this Court. Are you currently admitted to practice in the United States District Court for the Northern District of Ohio, Pursuant to Local Rule 83.5? Yes: _____ No: _____

By submitting this registration form, the undersigned agrees to abide by General Order 97-38 In Re: Authorization for Electronic Filing in Civil Litigation and all technical and procedural requirements as set forth in the Court's user and operational manuals. The combination of user id and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their passwords and immediately notify the court if they learn that their password has been compromised. Electronic filing is only permissible in cases specifically approved by the Court.

Signature of Registrant

Date

This Registration Form must be accompanied by a cover memorandum on official law firm letterhead signed by the registrant and addressed to:

Ms. Geri M. Smith,
Clerk, United States District Court
Attention: Electric Filing System Registration
102 U.S. Courthouse
201 Superior Avenue, N.E.
Cleveland, OH 44114-1201

Once your registration is complete, you will receive notification by U.S. Mail as to your user id and password needed to access the system. Procedures for using the system will be available for downloading when you access the system via the Internet. You may contact the Electronic Filing Help Desk in the Clerk's Office at 1-800-355-8498 if you have any questions concerning the registration process or the use of the electronic filing system.

Appendix C

)	
)	
Plaintiff)	Case No.
)	
v.)	Judge
)	
Defendant)	Notice of Manual Filing
)	
)	

Please take notice that [Plaintiff/Defendant, Name of Party] has manually filed the following document or thing

[Title of Document or Thing]

This document has not been filed electronically because

the document or thing cannot be converted to an electronic format
the electronic file size of the document exceeds 1.5 megabytes
the document or thing is filed under seal pursuant to LR 5.2
[Plaintiff/Defendant] is excused from filing this document or thing by court order.

The document or thing has been manually served on all parties.

Respectfully submitted,

s/ [Name of Password Registrant]
Name of Password Registrant
Address
City, State, Zip Code
(xxx) xxx-xxxx [telephone number]
[attorney bar number, if applicable]

Appendix D

Setting Up E-Mail Notification

Users can receive e-mail notification of all electronic filings in cases they are interested in by setting the automatic e-mail notification in their user accounts.

- Access the "Live" system. (Please note that the "Live" electronic filing system and the "Training Area" are different systems. Setting your e-mail notification in one system does not set it in the other.)
- Click on "Reports"
- Click on "Set-up e-Mail Notification" under Other Reports
- Select "Edit existing e-mail notification setup" and Click on "Next"
- Under Step 1, ensure that the box labeled "Select this box to receive notices of activity for all cases in which you are a party" is checked. Then type the case number(s) that you would like to receive notice of filings in the text box under the statement "In the following box enter a list of cases (you do not have to be a party in a case entered) for which you would like to receive notification of activity. Enter case numbers in the format YY-#### (ex. 97-1234). Place each case number on a separate line."

Under Steps 2 and 3, select the type of notice you would like to receive. Use Step 2 to have notices sent to you immediately upon filing. Use Step 3 to have a summary of the notices sent to you at the end of the day (usually at midnight). If you seek electronic notice in only a handful of cases, Step 2 is the preferred method, however, either or both options may be selected.

Under Step 4, identify the email address or addresses to which the information should be mailed. You may include more than one e-mail address (i.e. work, home). You may also include the e-mail addresses of others who you would like to receive electronic notice (i.e. an associate, para-legal, secretary).

Under Step 5, select the format of the notice most appropriate to your e-mail system. Some experimentation may be required.

- Click Next. You will receive a confirmation screen listing the cases and e-mail options you have selected.